



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,034	09/29/2003	Jose M. Sosa	API-1019-US (COS-912)	4496
7590 04/14/2006			EXAMINER	
Fina Technology, Inc. P.O. Box 67441 Houston, TX 77267-4412			NUTTER, NATHAN M	
			ART UNIT	PAPER NUMBER
			1711	
DATE MAILED: 04/14/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,034

Applicant(s)

SOSA, JOSE M.

Examiner

Nathan M. Nutter

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>12-05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the amendment filed 15 December 2005, the following is being placed into effect.

The rejection of claims 1, 2 and 8-10 under 35 U.S.C. 102(e) as being anticipated by Ramanathan et al (US 6,784,252), is hereby expressly withdrawn.

The rejection of claims 1-4 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) in view of Shikano et al (US 2004/0018355), is hereby expressly withdrawn.

The rejection of claims 1, 2, 4, 5 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) in view of Kido et al (US 2002/0042476), is hereby expressly withdrawn.

The rejection of claims 1, 2 and 6-10 under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) in view of Ogawa et al (US 2004/0097650), is hereby expressly withdrawn.

The following new grounds of rejection and objection are being made.

Claim Objections

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language of the claim is deemed to be vague since the claim appears to be drawn to a Markush group of constituents, but recites "primarily of polystyrene and syndiotactic polypropylene." It cannot be ascertained the clear metes and bounds of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nozawa et al (US 6,031,050), Koshaka et al (US 5,206,302) or Lingier et al (US 4,233,418), all newly cited.

The reference to Nozawa et al (US 6,031,050) shows the weight percentages recited for the polystyrene and styrene-butadiene-styrene elastomer blend at column 1 (lines 58-63) and column 2 (lines 29-36). Note column 3 (lines 24-35) for the styrene-butadiene-styrene elastomer. The solution polymerization is shown at the paragraph

Art Unit: 1711

bridging column 3 to column 4. The additives of claims 8 and 9 are shown at column 5 (lines 49-60). Further, note Example 1.

The patent to Koshaka et al (US 5,206,302) teaches the weight percentages recited for the polystyrene and styrene-butadiene-styrene elastomer blend at column 5 (lines 26-35). Note column 3 (lines 31-50) for the styrene-butadiene-styrene elastomer. The solution polymerization is shown at the paragraph bridging column 4 to column 5. The additives of claims 8 and 9 are shown at column 6 (lines 13-17).

The reference to Lingier et al (US 4,233,418) teaches the weight percentages recited for the polystyrene and styrene-butadiene-styrene elastomer blend at column 6 (lines 10-18). The styrene-butadiene-styrene elastomer is shown at column 5 (lines 62-64). Note column 7 (lines 45 et seq.) for the solution polymerization. The additives of claims 8 and 9 are shown at column 8 (lines 3-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nozawa et al (US 6,031,050), Koshaka et al (US 5,206,302) or Lingier et al (US 4,233,418), each as applied to claims 1, 8 and 9 above, and further in view of Shikano et al (US 2004/0018355).

The reference to Shikano et al (US 2004/0018355) is relied upon solely to show the use of maleic anhydride and a chain transfer agent to be conventional in the polymer art. Note paragraphs [0059] and [0079].

To employ these constituents taught by Shikano et al (US 2004/0018355) in their art-recognized capacities, would not rise to the level of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Claims 1, 2, 4, 5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nozawa et al (US 6,031,050), Koshaka et al (US 5,206,302) or Lingier et al (US 4,233,418), each as applied to claims 1, 8 and 9 above, and further in view of Kido et al (US 2002/0042476).

The reference to Kido et al (US 2002/0042476) is relied upon solely to show the use of a chain transfer agent that may be dodecyl mercaptan, as recited in claims 4 and 5, to be conventional in the polymer art for solution polymerization techniques. Note paragraphs [0088] and [0090].

To employ these constituents taught by Kido et al (US 2002/0042476) in their art-recognized capacities, is not deemed to be indicative of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Claims 1, 2 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nozawa et al (US 6,031,050), Koshaka et al (US 5,206,302) or Lingier et al (US 4,233,418), each as applied to claims 1, 8 and 9 above, and further in view of Ogawa et al (US 2004/0097650).

The reference to Ogawa et al (US 2004/0097650) is relied upon solely to show the use of divinyl benzene as a crosslinking agent, as recited in claims 6 and 7, to be conventional in the polymer art. Note paragraphs [0088] and [0090].

To employ these constituents taught by Ogawa et al (US 2004/0097650) in their art-recognized capacities, is not deemed to be indicative of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

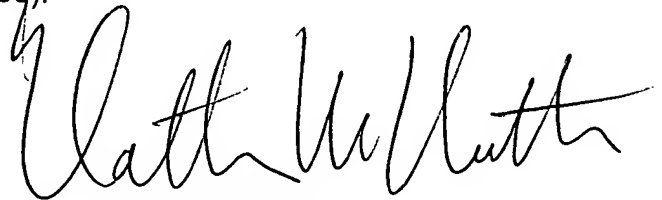
Art Unit: 1711

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nathan M. Nutter", is written over the printed name and title.

Nathan M. Nutter
Primary Examiner
Art Unit 1711

nmn

11 April 2006